

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

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FILE: B-210444

DATE: March 7, 1983

MATTER OF: pluribus Products Inc.

DIGEST:

1. Protest from firm not in line for award if protest is upheld is dismissed because protester does not have requisite direct and substantial interest with regard to award to be considered as "interested party" under GAO Bid Protest Procedures.
2. Protest challenging financial capacity of proposed awardee is a matter of responsibility and GAO does not review affirmative determinations of responsibility absent circumstances not present here.

Pluribus Products Inc., protests the proposed award of a contract to manufacture field desks to Diversified Container Corporation under invitation for bids (IFB) No. DLA400-83-B-0149, issued by the Defense General Supply Center, Richmond, Virginia. Pluribus challenges Diversified's ability to perform the contract and requests that our Office investigate Diversified's capacity and integrity. We dismiss the protest.

Pluribus contends that Diversified has been in business less than 1 year and is the successor corporation to a firm which had received a negative preaward survey on a previous procurement and subsequently withdrew its bid. Pluribus also questions whether Diversified's production processes were carefully scrutinized by the preaward survey team prior to any affirmative recommendation that team might have given to the contracting activity.

Pluribus is not eligible to maintain this protest. Under our Bid Protest Procedures, 4 C.F.R. § 21.1(a) (1982), a party must be "interested" in order to have its protest considered by our Office. Determining whether a party is sufficiently interested involves consideration of the party's status in relation to the procurement. We have

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been advised by the contracting agency that Pluribus was not the second low bidder on any of the four line items contained in the solicitation. Therefore, it is not an "interested party" since it would not be in line for award if its protest were upheld. Ven-Tel, Inc., B-204233, March 8, 1982, 82-1 CPD 207.

In any event, Pluribus is questioning Diversified's financial capacity and its ability to produce and deliver the items in accordance with the required delivery schedule at the price bid. These are elements of responsibility. This Office does not consider bid protests involving a contracting officer's affirmative determination of responsibility, absent a showing that it was made fraudulently or that the solicitation contains definitive responsibility criteria that allegedly have not been applied. Voyager Emblems, Inc., B-206301, February 10, 1982, 82-1 CPD 127. Neither contention has been alleged here. Further, it is not our practice, as Pluribus requests, to conduct investigations pursuant to our bid protest function. Stocker & Yale, Inc., B-207016, July 16, 1982, 82-2 CPD 21.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel